CHELAN COUNTY PUBLIC BENEFIT RATING SYSTEM

Chelan County offers an incentive to property owners to preserve open space resources on private property in the county by providing a property tax reduction based upon **current use** of the property rather than the **highest and best use** of the property.

This incentive program is called the *Public Benefit Rating System* (*PBRS*) and allows property owners the opportunity to receive a reduction of their property taxes for preserving one or more open space resources on their property.

The amount of property tax reduction is based upon a point system allocated to different resources, grouped by priority.

Examples of public benefit open space resources include stream, lake and wetland buffers, groundwater protection areas, threatened or endangered wildlife habitat, farm land, rural lands close to urban areas, open space within designated urban growth areas, public lands buffers, historic and/or archeological landmarks or sites.

Lands that are used for agricultural or forest practices and assessed as open space agriculture or open space timber are not considered under the PBRS.

An open space contract must be signed between the property owner and Chelan County upon approval of the application. All taxes and related charges outstanding against a parcel must be paid in full prior to the open space agreement. The property owner agrees to maintain and protect the designated resource(s) for the public benefit.

Some useful information about the Public Benefit Rating System:

- PBRS is completely voluntary.
- Public access to private property is not a requirement.
- Tax relief can be from 50% to 100% of current assessed value.
- PBRS is a long-term (10+ years) commitment.
- Tax penalties for early withdrawal include back taxes, compensatory taxes, and a 20% additional penalty!

What you need to do to apply for the Public Benefit Rating System:

- Call the Chelan County Department of Community Development 509/667-6225 or stop by 316 Washington Street, Suite 301, Wenatchee, Washington 98801 and request the application materials.

- Fill out the application materials and deliver to the Chelan County Department of Community Development 316 Washington Street, Suite 301, Wenatchee, Washington 98801.
- Attend a public hearing.

Public Benefit Rating System application requirements:

- Complete application form (Department of Revenue form 64 0021-2);
- Legal description of the property to be rated, Assessor's parcel map, vicinity map and detailed site plan;
- Complete PBRS worksheet, with open space categories sought;
- A narrative statement, for each category of the PBRS sought, indicating why the property is eligible with supporting documentation, if required. Definitions and eligibility criteria for each PBRS category are found in the PBRS Final Draft handout. The applicant may need assistance from a qualified professional in the preparation of supporting documents for the application;
- Certification of payment (of all outstanding assessments against the property) from the Chelan County Assessor; and
- Applicable application fees.

For more information about the PBRS process, please contact **Karen Peele,** at the Chelan County Department of Community Development at 509/667-6225.

For information regarding property assessments, open space agriculture and open space timber, please contact Erin Fonville at the office of the Chelan County Assessor at 509/667- 6365.

Department of Revenue
Washington State

Application for Classification or Reclassification Open Space Land

Chapter 84.34 RCW

File With The County Legislative Authority

Name of Owner(s): _____ Phone No: _____

Email Address: _____

Address:

Parcel Number(s): _____

Legal Description:

Total Acres in Application: _____

Indicate what category of open space this land will qualify for:

- ☐ Conserve or enhance natural, cultural, or scenic resources
- ☐ Protect streams, stream corridors, wetlands, natural shorelines, or aquifers
- ☐ Protect soil resources, unique or critical wildlife, or native plant habitat
- ☐ Promote conservation principles by example or by offering educational opportunities
- ☐ Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open spaces
- ☐ Enhance recreation opportunities
- ☐ Preserve historic or archaeological sites
- ☐ Preserve visual quality along highway, road, street corridors, or scenic vistas
- ☐ Retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the granting authority
- ☐ Farm and agricultural conservation land previously classified under RCW 84.34.020(2), that no longer meets the criteria
- ☐ Farm and agricultural conservation land that is "traditional farmland" not classified under Chapter 84.33 or Chapter 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and has a high potential for returning to commercial agriculture

1. Describe the present use of the land.

2. Is the land subject to a lease or agreement which permits any other use than its present use? ☐ Yes ☐ No

   If yes, attach a copy of the lease agreement.

3. Describe the present improvements (residence, buildings, etc.) located on the land.

4. Is the land subject to any easements? ☐ Yes ☐ No

   If yes, describe the type of easement, the easement restrictions, and the length of the easement.

5. If applying for the farm and agricultural conservation land category, provide a detailed description below about the previous use, the current use, and the intended future use of the land.

NOTICE:
The county and/or city legislative authorities may require owners to submit additional information regarding the use of the land.

As owner of the parcel(s) described in this application, I hereby indicate by my signature below that I am aware of the additional tax, interest, and penalties involved when the land ceases to be classified under the provisions of Chapter 84.34 RCW. I also certify that this application and any accompanying documents are accurate and complete.

The agreement to tax according to use of the property is not a contract and can be annulled or canceled at any time by the Legislature (RCW 84.34.070)

Print the name of each owner:	**Signature of each owner:**
_____	_____
_____	_____

The granting or denial of an application for classification or reclassification as open space land is a legislative determination and shall be reviewable only for arbitrary and capricious actions. Denials are only appealable to the superior court of the county in which the land is located and the application is made.

Statement of Additional Tax, Interest, and Penalty Due Upon Removal of Classification

1. Upon removal of classification, an additional tax shall be imposed which shall be due and payable to the county treasurer 30 days after removal or upon sale or transfer, unless the new owner has signed the Notice of Continuance. The additional tax shall be the sum of the following:

   (a) The difference between the property tax paid as "Open Space Land" and the amount of property tax otherwise due and payable for the last seven years had the land not been so classified; plus

   (b) Interest upon the amounts of the difference (a), paid at the same statutory rate charged on delinquent property taxes; plus

   (c) A penalty of 20% will be applied to the additional tax and interest if the classified land is applied to some other use except through compliance with the property owner's request for withdrawal as described in RCW 84.34.070(1).

2. The additional tax, interest, and penalty specified in (1) shall not be imposed if removal resulted solely from:

   (a) Transfer to a governmental entity in exchange for other land located within the State of Washington.

   (b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power.

   (c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property.

   (d) Official action by an agency of the State of Washington or by the county or city where the land is located disallows the present use of such land.

   (e) Transfer of land to a church when such land would qualify for property tax exemption pursuant to RCW 84.36.020.

   (f) Acquisition of property interests by State agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 (See RCW 84.34.108(6)(f)).

   (g) Removal of land classified as farm & agricultural land under RCW 84.34.020(2)(f) (farm home site).

   (h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification.

   (i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120.

   (j) The creation, sale, or transfer of a conservation easement of private forest lands within unconfined channel migration zones or containing critical habitat for threatened or endangered species under RCW 76.09.040.

   (k) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as designated forest land under chapter 84.33 RCW, or classified under this chapter 84.34 RCW continuously since 1993. The date of death shown on the death certificate is the date used.

   (l) The discovery that the land was classified in error through no fault of the owner.

FOR LEGISLATIVE AUTHORITY USE ONLY

Date application received: _____ By: _____

Amount of processing fee collected: $

- Is the land subject to a comprehensive land use plan adopted by a city or county? ☐ Yes ☐ No

  If yes, application should be processed in the same manner in which an amendment to the comprehensive land use plan is processed.

  If no, application must be acted upon after a public hearing and notice of the hearing shall have been given by one publication in a newspaper of general circulation in the area at least ten days before the hearing.

- If the land is not subject to a comprehensive land use plan, is the land located within an incorporated part of the county? ☐ Yes ☐ No

  If yes, application must be acted upon by three members of the county legislative authority and three members of the city legislative authority. See RCW 84.34.037(1) for details.

  If no, application must be acted upon by three members of the county legislative authority.

☐ Application approved ☐ In whole ☐ In part

☐ Application denied ☐ Date owner notified of denial (Form 64 0103):

If approved, date Open Space Taxation Agreement (OSTA) was mailed to owner:

Signed OSTA received by Legislative Authority on:

Copy of signed OSTA forwarded to Assessor on:

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